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January 24, 2023

**Via ECF**

Hon. Lee G. Dunst, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Agudelo v. Recovco Mortgage Management LLC et al.*, No. 22 Civ. 4004  
Update to the Court

Dear Judge Dunst:

The parties write pursuant to the Court's January 18, 2023, direction to provide the Court with an update on the status of the above-captioned matter.

The parties held a two hour in-person settlement discussion at the midtown offices of Jackson Lewis on January 19. In attendance were plaintiffs' counsel and defense counsel in the instant matter, as well as one of Defendant Michael Strauss's personal attorneys. Jamin Soderstrom, one of the attorneys representing the proposed California classes, attended by phone.<sup>1</sup>

Without revealing confidential information, I can report that the attorneys had a substantive discussion over the documents that defendants have produced concerning Defendant Strauss's ability to contribute to a settlement. Defense counsel responded to some of plaintiffs' expert's conclusions about the veracity of Strauss's claim of insolvency. Based on representations made by defense counsel at the meeting, plaintiffs' counsel requested additional documents on January 21, 2023, which were produced yesterday and today.

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<sup>1</sup> Plaintiffs have entered a Joint Prosecution Agreement for purposes of the instant settlement discussions with counsel for the proposed classes in *Boyer v. Sprout, Recovco, & Strauss*, Case No. 37-2022-00029036-CU-OE-CTL pending in California Superior Court, San Diego County; and *Sawyer and Harvey v. Sprout, Recovco, Strauss & Pallante*, Case No. 30-2022-01271017-CU-OE-CXC, pending in California Superior Court, Orange County (together, the "California Actions."). It is anticipated that any settlement reached at this stage of the proceedings would universally settle all claims asserted in the instant proceeding and the California Actions.

Defendants conveyed a revised settlement offer yesterday, January 23. The parties would like to provide another update to the Court no later than January 30.

Respectfully submitted,

/s/

Scott Simpson

cc: All counsel (by ECF)